**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.24954 OF 2007**

**DATED: 24-12-2007**

**BETWEEN**

Karibandi Papa Rao,
S/o. Ramayya,
Occ: Cultivation,
R/o. Gutala Village,
Polavaram Mandal,
West Godavari District
and others.

...PETITIONERS

**AND**

The District Collector,
West Godavari District,
Eluru and two others.

...RESPONDENTS

**ORDER:**

Petitioners submit that each of them has been allotted house site to an extent of Ac.0.03 cents in Sy.No.550 of Gutala Village, Polavaram Mandal, West Godavari District vide proceedings No.298/2002 (A) dated 14.09.2005 of the Mandal Revenue Officer, Polavaram and plot numbers were also mentioned in the house site pattas. They further submit that the third respondent without following due process of law is making an attempt to dispossess them from the said allotted house sites and therefore, they have got issued a legal notice dated 20.10.2007 requesting the respondents not to interfere with their peaceful possession and enjoyment of their respective plots. In spite of the said request, the subordinates of the respondents visited their house sites on 17.11.2007 and directed them to vacate the house sites.

2. On instructions, the learned Government Pleader, submits that the house site pattas have been granted in proceedings No.298/2002 (A) dated 14.09.2005 in respect of Ac.0.03 cents i.e. 144 sq. yards in favour of each of the petitioners in Sy.No.550 and meanwhile some other landless poor persons namely Smt. Gollapalli Suryakumari and 15 others have made a representation on 09.10.2007 stating that the petitioners herein are ineligible for allotment of house site pattas.

It is stated that with reference to the said representation the matter is pending for enquiry.

3. Even assuming that the petitioners are not entitled for allotment of house sites; if there is any misrepresentation and even if the petitioners are not landless poor, the respondents cannot dispossess them without following due process of law. If the petitioners are not entitled for the house sites, it is always open for the respondents to conduct an enquiry and cancel the house site pattas but without following due process of law, the petitioners cannot be dispossessed.

Having regard to the facts and circumstances of the case,

the writ petition is disposed of directing the respondents not to dispossess the petitioners without following due process of law.

There shall be no order as to costs.

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V. ESWARAIAH, J

December 24, 2007

Note: Furnish C.C. of the order by 26.12.2007

(**B/o**)

DSK